

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
NO. 4:12-CV-88-1H

UNITED STATES OF AMERICA

v.

STEPHEN A. LAROQUE

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**ORDER**

This matter is before the court on the following pre-trial motions filed by defendant:

- (1) Motion for Production of Any Order Extending Grand Jury's Term or, in the alternative, for Dismissal [DE #207]
- (2) Motion to Dismiss Count Eleven of the Indictment [DE #208];
- (3) Motion to Compel Discovery [DE #209]
- (4) Motion to Dismiss Counts 1-4 for Failure to Plead 18 U.S.C. § 666 as an Element [DE #210]
- (5) Motion for Pretrial Subpoenas Duces Tecum under Rule 17(c)(1) [DE #211]
- (6) Motion to Dismiss Count 9 on Duplicity Grounds [DE #212]
- (7) Motion to Dismiss all Counts [DE #213]
- (8) Motion for Bill of Particulars on Counts 11 and 12 [DE #214]

- (9) Motion to Dismiss Counts 1-4 for Failure to State an Offense [DE #215]
- (10) Motion to Dismiss Counts 1-9 and 11-12 on Vagueness Grounds [DE #216]
- (11) Motion for Evidence under Rule 404(b) [DE #217]
- (12) Motion for Discovery [DE #218]
- (13) Motion to Incorporate and Deem Re-filed All Previous Motions [DE #219]
- (14) Motion for Leave to File Additional Pretrial Motions If Needed [DE #220]
- (15) Motion to Produce Unredacted Emails [DE #222].

The government has responded and defendant has replied to many of the motions. These matters are ripe for adjudication.

#### **I. Hearing**

**The court hereby schedules a sealed hearing on pretrial motions for Thursday, January 15, 2015, at 9:00 a.m. at the United States Courthouse in Greenville, North Carolina.** Specifically, the court advises the government to be prepared to present a timeline of the grand jury proceedings regarding the subpoenas and the indictments in this matter as discussed in defendant's motion for production [DE #207]. The government should have available, for inspection and/or review by the court, any grand jury timelines, orders or other information in its possession it believes may be deemed relevant to this

motion. This hearing will be sealed due to the potential for disclosure of grand jury documents or other materials.

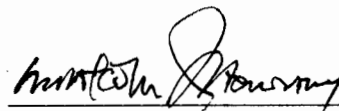
## **II. Motion for Subpoena Duces Tecum**

Defendant requests the court order pretrial production of documents to the defense by means of subpoenas duces tecum issued to George Vital, East Carolina Community Development, Incorporated (ECCDI), and the Neuse River Development Association (NRDA). Additionally, the subpoenas seek the person named or the custodian of record for the entity to appear at the courthouse with the records so that defense counsel may interview those persons. Having carefully reviewed the motion as well as the government's response, the court hereby GRANTS IN Part and DENIES IN PART the motion [DE #211]. **The court will issue subpoenas directing the above-named persons or entity representatives to provide copies of the requested materials by US Mail or other carrier to defendant and the government on or before January 13, 2015, at 5:00 p.m.** However, the court will not require attendance by said individuals at this time. The defendant is directed to provide to the court updated subpoenas duces tecum which comply with this order for issuance by the clerk forthwith.

### III. Other Pending Motions

All other pending motions shall be ruled on in due course, and the court shall hear argument on these remaining motions, if needed, at the hearing scheduled above.

This 6<sup>th</sup> day of January 2015.



---

Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
#26